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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ROBERT E. MANLEY, JR.,

Plaintiff,

v.

NORTHEAST ILLINOIS REGIONAL
COMMUTER RAILROAD CORP., d/b/a
METRA,

Defendant.

CASE NO. 08 CV 1757

Judge William T. Hart,
Room 2243

QUALIFIED PROTECTIVE ORDER

This matter having come to be heard on the Motion of Defendant, NORTHEAST ILLINOIS REGIONAL COMMUTER RAILROAD CORPORATION d/b/a METRA (hereinafter "Metra"), for the entry of a Qualified Protective Order, all parties having received due notice, and the Court being fully advised in the premises:

1. The current parties (and their attorneys) and any future parties (and their attorneys) to the above-captioned matter are hereby authorized to receive, subpoena, and transmit "protected health information" (also referred to herein as "PHI") pertaining to ROBERT E. MANLEY, JR. to the extent and subject to the conditions outlined herein.

2. For the purposes of this Qualified Protective Order, "PHI" or "protected health information" shall have the same scope and definition as set forth in 45 CFR 160.103 and 164.501. Without limiting the generality of the foregoing, "PHI" includes, but is not limited to, health information, including demographic information, relating to either (a) the past, present or future physical and mental condition of an individual, (b) the provision of care to an individual, or (c) the payment for care to an individual, which identifies the individual or which reasonably could be expected to identify the individual.

3. All "covered entities" (as defined by 45 CFR 160.103) are hereby authorized to disclose PHI pertaining to ROBERT E. MANLEY, JR. to all attorneys now of record in this matter or who may become of record in the future of this litigation.

4. The parties and their attorneys shall be permitted to use the PHI of ROBERT E. MANLEY, JR. in any manner that is reasonably connected with the above-captioned litigation. This includes, but is not limited to, disclosure to the parties, their

attorneys of record, the attorneys' firms (i.e., attorneys, support staff, agents, and consultants), the parties' insurers, experts, consultants, court personnel, court reporters, copy services, trial consultants, jurors, venire members, and other entities involved in the litigation process.

5. At the conclusion of the litigation (which shall be defined at the point at which final orders disposing of the entire case have been entered, or the time at which all trial and appellate proceedings have been exhausted), any person or entity in possession of PHI pertaining to ROBERT E. MANLEY, JR. (other than the person or entity that generated the PHI) shall destroy any and all copies of said PHI in their possession.

6. This Order shall not control or limit the use of protected health information pertaining to ROBERT E. MANLEY, JR. that comes into the possession of any party or any party's attorney from a source other than a "covered entity," (as that term is defined in 45 CFR 160.103).

7. Nothing in this Order authorizes defense counsel to obtain medical records or information through means other than formal discovery requests, subpoena, depositions, pursuant to a patient authorization or through attorney-client communications. Likewise, nothing in this Order relieves any party from complying with the requirements of the Illinois Mental Health and Developmental Disabilities Confidentiality act (740 ILCS 110/1, *et seq*), the Aids Confidentiality Act (410 ILCS 305/1, *et seq*), or state and federal law that protects certain drug and alcohol records (20 ILCS 301/30-5, 42 USC 290dd-3 and 290cc-3, and 42 CFR Part 2).

JUN 25 2008

ENTER

William T. Hart

JUDGE

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